

## REMARKS

Applicant will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

### Claims Rejections - 35 USC §112

In the Office Action, the Examiner rejects Claims 8 and 18 under 35 USC §112, second paragraph. In order to advance the prosecution of this application, Claim 8 has been canceled and Claim 18 amended to delete the objected to term. It is respectfully submitted that this overcomes the Examiner's rejection, and it is requested that the rejection be withdrawn.

### Claim Rejections - 35 USC §102

#### Claims 1 and 5-6

The Examiner also rejects Claims 1 and 5-6 under 35 USC §102(e) as being anticipated by Kanbe et al. This rejection is respectfully traversed.

While Applicants respectfully traverse this rejection, in order to advance the prosecution of this application, Applicants have amended Claims 1 and 5. It is respectfully submitted that these amended claims are not disclosed or suggested by Kanbe but are patentable thereover. Accordingly, it is requested that this rejection be withdrawn.

#### Claims 11-14 and 74-77

The Examiner also rejects Claims 11-14 and 74-77 under 35 USC §102(e) as being anticipated by Chen et al. This rejection is also respectfully traversed.

It is respectfully submitted that Chen is not prior art to the present application. In particular,

the present application was filed on March 31, 2000 and claims priority under 35 USC §119 to three Japanese applications filed on March 31, 1999. A certified copy of each of these priority Japanese applications was filed on July 18, 2000. Applicants are also filing herewith an English translation of one of these priority applications, 94391/1999.

Chen was filed on February 2, 2000 based on a provisional application filed on April 4, 1999. Therefore, as the present application's priority date is prior to the earliest filing date for Chen, Chen is not prior art to the present application. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### Claim Rejections - 35 USC §102/103

The Examiner also rejects Claims 1, 7-10 and 72 under 35 USC §102(e) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over Ishikawa et al. This rejection is also respectfully traversed.

In particular, Applicants submit that Ishikawa does not disclose or suggest the film structure of between the substrate and the magnetic layer, an under layer and/or a seed layer, and a crystal particle diameter control layer for controlling a crystal particle diameter and a particle diameter distribution of the magnetic layer, as recited in Claim 1 of the present application.

In addition, the amount of Cr (or other compound) added to a C (or other compound) intermediate layer in Ishikawa is 50 at% or less and preferably 20 at% or less. Col. 8, Ins. 19-32 in Ishikawa.

This is different than Claim 1 of the present application, which recites that the crystal particle diameter control layer comprises an alloy containing chromium (Cr) and carbon (C) and contains carbon (C) in a range of 0.01 at% to 0.5 at%.

Hence, independent Claim 1 and those claims dependent thereon are not disclosed or suggested by Ishikawa and are patentable thereover.<sup>1</sup> Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims Rejections - 35 USC §103

The Examiner also rejects Claims 2, 28 and 33 under 35 USC §103(a) as being unpatentable over Kanbe et al. While Applicants respectfully traverse this rejection, in order to advance the prosecution of this application, these claims have been canceled. Therefore, it is requested that this rejection now be withdrawn.

Conclusion

For at least the above-stated reasons, the claims of the present application are in an allowable condition and should be allowed.

If any further fee should be due for this amendment, please charge our deposit account 50/1039.

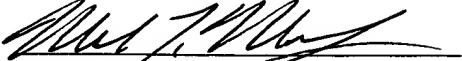
---

<sup>1</sup> Claims 8 and 72 have been canceled to advance the prosecution of this application.

Favorable consideration is earnestly solicited.

Respectfully submitted,

Date: *November 12, 2004*



Mark J. Murphy

Registration No.: 34,225

COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

Customer no. 000026568